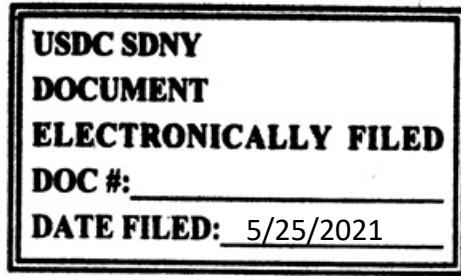


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
FREDERICK G. DONNELLY,

Plaintiff,

ORDER

-against-

19-CV-2121 (KHP)

RICKY L. SHERER,

Defendant.
-----X
-----X

FREDERICK G. DONNELLY,

Plaintiff,

19-CV-6030 (KHP)

-against-

AMERICAN CARBONATION CORPORATION,

Defendant.
-----X

KATHARINE H. PARKER, United States Magistrate Judge:

Based on the parties' May 24, 2021 submissions (ECF Nos. 97-98,) the parties dispute whether the Court should incorporate a jury instruction on the failure to produce evidence at trial (*see* PJI 1:77). Accordingly, the parties are hereby directed to file letters with the Court providing argument and any applicable case law on this issue by 5:00 p.m. on Wednesday May 26, 2021. The Court will evaluate the parties' supplemental submissions in advance of the May 27, 2021 Final Pre-Trial Conference.

SO ORDERED.

DATED: May 25, 2021
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge